

Message Text

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ORIGIN EB-11

INFO OCT-01 IO-14 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-03

INR-10 NSAE-00 OC-06 RSC-01 COME-00 SAB-01 L-03 OIC-04

SS-20 NSC-07 AF-10 ARA-16 EA-11 EUR-25 NEA-14 PA-04

PRS-01 USIA-15 DODE-00 /177 R

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TO USMISSION GENEVA PRIORITY

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TAGS: ETEL, OCON, ITU, PN, US

SUBJECT: ITU WMARC - PANAMA CANAL ZONE.

FOR USDEL ITU WMARC

REF: GENEVA 3490

1. RE PARA 6 REFTTEL, DEPARTMENT BELIEVES THAT
RESERVATION IN FINAL PROTOCOL IS NECESSARY IF PLENARY
PASSES RESOLUTION HAVING OPERATIVE EFFECT. IF THAT
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RESULT PERTAINS, RECOMMENDED TEXT FOR RESERVATION

FOLLOWS. LANGUAGE MAY HAVE TO BE APPROPRIATELY MODIFIED DEPENDING ON RESULTS OF PLENARY MEETING: "THE UNITED STATES OF AMERICA FORMALLY DECLARES THAT IT DOES NOT BY THE SIGNATURE OF THESE FINAL ACTS ON ITS BEHALF CONSIDER THAT THE ACTION TAKEN WITH RESPECT TO CHANGING THE DESIGNATOR FOR MARITIME MOBILE FREQUENCY LISTINGS FOR THE CANAL ZONE IS WITHIN THE COMPETENCE OF THE WMARC AND CONSIDERS SUCH ACTION TO BE WITHOUT LEGAL EFFECT. MOREOVER, THE UNITED STATES OF AMERICA CONSIDERS THE RESOLUTION PASSED BY THE WMARC TO BE INCONSISTENT WITH INTERNATIONAL AGREEMENTS NOW IN FORCE BETWEEN THE UNITED STATES AND PANAMA."

2. IF OPPORTUNITY PRESENTED, YOU SHOULD MAKE STATEMENT AT PLENARY EXPLAINING RESERVATION ALONG

FOLLOWING LINES: "A. U.S. VIEWS REGARDING COMPETENCE OF WMARC TO TAKE SUCH ACTIONS ARE ALREADY WELL KNOWN. B. WHILE U.S. RECOGNIZES THAT CANAL ZONE CONSTITUTES TERRITORY OF REPUBLIC OF PANAMA, ARTICLE III OF THE 1903 TREATY BETWEEN THE U.S. AND PANAMA GRANTS TO U.S. 'ALL THE RIGHTS, POWER AND AUTHORITY WITHIN (CANAL ZONE) . . . WHICH THE UNITED STATES WOULD POSSESS AND EXERCISE IF IT WERE THE SOVEREIGN OF THE TERRITORY . . . TO THE ENTIRE EXCLUSION OF EXERCISE BY REPUBLIC OF PANAMA OF ANY SUCH RIGHTS, POWER OR AUTHORITY'. THIS GRANT TO U.S. OF EXCLUSIVE JURISDICTION OVER CANAL ZONE HAS BEEN REAFFIRMED IN SUBSEQUENT AGREEMENTS BETWEEN THE U.S. AND PANAMA. C. THUS, U.S. CONSIDERS ANY ACT WHICH IMPLIES THAT REPUBLIC OF PANAMA IS CURRENTLY EMPOWERED TO EXERCISE ANY SOVEREIGN RIGHTS, POWER OR AUTHORITY WITH RESPECT TO CANAL ZONE IS INCONSISTENT WITH THE INTERNATIONAL LEGAL STATUS OF CANAL ZONE, ESTABLISHED BY INTERNATIONAL AGREEMENTS IN FORCE. D. THE U.S. AND PANAMA ARE AT PRESENT ENGAGED IN PRODUCTIVE, PRIVATE BILATERAL NEGOTIATIONS CONCERNING THE PANAMA CANAL AND THE CANAL ZONE. THE JOINT STATEMENT OF PRINCIPLES SIGNED BY FOREIGN MINISTER TACK OF PANAMA AND SECRETARY KISSINGER ON FEBRUARY 7 OF THIS YEAR PROVIDES THAT AMONG THE OBJECTIVES OF THESE LIMITED OFFICIAL USE

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NEGOTIATIONS ARE (1) THE ABROGATION OF THE TREATY OF 1903 AND ITS REPLACEMENT WITH AN ENTIRELY NEW, MODERNIZED TREATY RELATIONSHIP, AND (2) PROMPT TERMINATION OF U.S. JURISDICTION OVER TERRITORY OF CANAL ZONE AND ITS RETURN TO PANAMA. THUS, U.S. GOVERNMENT HAS RECOGNIZED THAT CHANGES IN INTERNATIONAL LEGAL STATUS OF CANAL ZONE SHOULD BE MADE. BUT UNTIL A NEW TREATY IS CONCLUDED, WE HAVE NO RECOURSE BUT TO

CONTINUE TO OPERATE IN ACCORDANCE WITH THE AGREEMENTS NOW IN FORCE. E. IT IS FOR THE ABOVE REASONS THAT THE UNITED STATES CANNOT CONCUR IN ACTION TAKEN BY THE WMARC. THE U.S. CONTINUES TO LOOK FORWARD TO EARLY CONCLUSION OF OUR NEGOTIATIONS WITH PANAMA, AND WE UNDERTAKE TO REPORT TO THE ITU ALL CHANGES IN THE INTERNATIONAL LEGAL STATUS OF THE CANAL ZONE RESULTING FROM THE CONCLUSION OF A NEW TREATY WHICH AFFECTS THE ACTIVITIES OF THE ORGANIZATION."

3. WE UNDERSTAND THAT TEXT OF ROP PROPOSAL AS IN GENEVA 3097 MODIFIED TO LIMIT APPLICABILITY TO MARITIME MOBILE SERVICE WAS APPROVED BY CONFERENCE ON JUNE 4 AND THAT SUCH APPROVAL DOES NOT HAVE OPERATIVE EFFECT. IF UNDERSTANDING IS CORRECT AND NO FURTHER ACTION IS TAKEN IN PLENARY, THEN DEPARTMENT BELIEVES THAT DELEGATION SHOULD LET MATTER REST.

4. IF MODIFICATIONS TO TEXT OF RESERVATION IN PARA 1 ARE DEEMED NECESSARY, REQUEST DELEGATION MAKE ALL EFFORTS IF TIME PERMITS TO CLEAR SUCH MODIFICATIONS WITH DEPARTMENT. KISSINGER

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